

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



MARC STOUT, *et al.*,

Plaintiffs,

v.

Civil Action No. 3:08CV110

MIDDLE RIVER REGIONAL JAIL,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on February 27, 2008, the Court conditionally docketed the action. At that time, the Court directed each plaintiff to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided each plaintiff with an *in forma pauperis* affidavit form for this purpose.

Additionally, the Court directed each plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned each plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in their summary dismissal as a party to the action.

Derrick Massie has not complied with the orders of this Court. Massie has failed to return a completed *in forma pauperis* affidavit form and the consent to collection of fees. As a result, he has not qualified for *in forma pauperis* status. Furthermore, Massie has not paid the statutory filing fee for the instant complaint. *See* 28 U.S.C. § 1914(a). Such actions demonstrate

a wilful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, Massie will be
DISMISSED as a party to the present action.

An appropriate Order shall issue.

Date: *4-23-08*
Richmond, Virginia

/s/
James R. Spencer
Chief United States District Judge